

December 22, 2000

Mary Cottrell, Secretary

Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, Massachusetts, 02110

Re: Fitchburg Gas & Electric Light Co, D.T.E. 99-118

Dear Secretary Cottrell:

During the course of the December 19 scheduling conference held in connection with the above referenced matter, the parties were directed to submit proposed schedules for future action on the rate complaint filed by the Attorney General on December 31, 1999. In that complaint, the Attorney General sought a reduction in the electric distribution rates of Fitchburg Gas & Electric Light Company ("Fitchburg" or the "Company"). As I explained during the conference, the Attorney General contends that his complaint was supported by evidence that established a *prima facie* showing that Fitchburg's electric distribution rates were excessive and unreasonable and that the delay in acting on that complaint had resulted in the Company customers having been forced unnecessarily to pay excessive rates over the past year. This conclusion was only reinforced by the information produced by the Company at the recent public hearing. In these circumstances, the Attorney General submits that the burden should be on the Company to demonstrate that an immediate rate reduction is not required. *See Colorado Interstate*

Gas Co. v. FERC, 904 F. 2d 1456, 1459 (10th Cir. 1990) (once FERC makes a *prima facie* case that existing rates are unjust and unreasonable, the burden shifts to the opposing party to rebut). The Department has not yet, however, requested that the Company respond to the December 1999 complaint.

In these circumstances, as well as in the context of the pending increase in the Company's power charges, the Attorney General submits that the public interest demands prompt action on this long-pending matter. In the interest of expediting the Department's consideration of the appropriateness of an immediate reduction in the Company's electric distribution rates, the Attorney General recommends that the Department direct the Company to file an answer to the complaint forthwith and commits to responding to that answer (likely in the form of either a motion for summary judgement or a request for hearings) within ten business days of receipt.

Respectfully,

George B. Dean

Assistant Attorney General

Chief, Regulated Industries Division

cc: Paul K. Connolly

Robert N. Werlin